

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Acceleration of Broadband Deployment:	)	WC Docket No. 11-59
Expanding the Reach and Reducing the Cost of	)	
Broadband Deployment by Improving Policies	)	
Regarding Public Rights of Way and Wireless	)	
Facilities Siting	)	

**COMMENTS OF THE ASSOCIATION OF IDAHO CITIES**

These Comments are filed by the Association of Idaho Cities, Boise, Idaho 83705 in response to the Notice of Inquiry (Notice), released on April 7, 2011, in the above-entitled proceeding.

**I. INTRODUCTION**

The Association of Idaho Cities is a statewide organization that serves as a service provider for Idaho's municipalities and monitors practices and trends in cities throughout the state. It is the functional equivalent of a municipal league or league of cities in other states. Among its members are nearly all municipalities from the capital city, Boise, to the many scattered small towns in rural and suburban locations sprinkled across an extensive landscape.

Idaho's municipalities have been welcoming the varied efforts to deliver broadband to all corners of this difficult to serve state. Rather than impeding the delivery of broadband services Idaho's municipalities have been cooperating with both private and public agencies to deliver broadband capacity essential for vibrant economic development efforts while at the same time attempting to assure that methods of physical installation preserve the integrity of the right-of-way hardscape. Most Idahoans, particularly community leaders, recognize the important role that expansion of broadband capabilities must play in future economic development and they govern their public conduct accordingly.

## **II. RIGHTS OF WAY AND WIRELESS FACILITIES SITING ISSUES**

### **A. Application Procedures, Forms, Substantive Requirements and Charges**

Idaho's cities are most generally agencies of modest size and modest means that do not have the characteristics of the traditional bureaucracy. Idaho cities consistently work with a varied number of private parties who seek to use the public right-of-way for business purposes. They have developed forms that are capable of being understood by small operators and large alike. Personnel are readily accessible for direct communication by telephone, e-mail and by face-to-face conversation. Efficient procedures save local resources as well as resources of those seeking authorization.

### **B. Sources of Delay**

Because Idaho cities have limited staff, the people who are responsible for issuing authorizations are usually those who are directly involved with field operations. Because many of the cities do not have extensive bodies of local law the primary considerations are protection of existing facilities using the right-of-way and procedures to be followed to restore rights-of-way after installation has been completed. These requirements do not unnecessary delay.

### **C. Improvements.**

Idaho cities are endeavoring to move forward with more efficient permitting procedures for those desiring to use the rights-of-way and all others seeking municipal permits. Cities are turning to online permit authorization and expedited routing of permit requests where circumstances allow. For many small agencies where the expansion of broadband capacity is of critical community importance, city councils are striving to find ways to encourage broadband installation, rather than to impede it. The message from those governing boards to the employed staff that serves to implement policy is that properly submitted applications should be implemented expeditiously. Idaho's communities recognize that placement of the impediments in the way of prospective broadband providers will only serve to hinder economic development efforts in communities.

#### **D. Charges for Permits.**

Idaho's local governments are limited by state law to charging fees that do not exceed the actual cost of carrying out regulatory actions. As such, municipalities cannot use fees as a general revenue raising opportunity. In Idaho telephone companies are granted a state constitutional franchise, subject only to reasonable local regulations and charges. It is a fair assessment of the landscape that the telecommunications companies doing business in Idaho have no shortage of resources at hand to deal with any local government activities that unreasonably impede their progress. Most Idaho cities expect any private entity that installs facilities in the public right-of-way to stand behind that installation in the face of possible degradation due to cuts and repairs to existing facilities.

#### **E. Local Policy Objectives**

Idaho cities seek to expand the reach of broadband capacity at a pace that exceeds that generally undertaken by the private sector. The state of Idaho has provided a measure of funding to strengthen the skeleton of broadband availability, and many Idaho communities have opened their arms to this outreach effort. The only concern that this encouragement engenders is that rights-of-way will not be restored to their pre-installation condition. As a consequence, improvements to public rights-of-way have been degraded by actions of the freeze-thaw cycle and the practices of contractors whose repair and replacement is accomplished with a skill level that matches their low bid to the broadband provider. Idaho's cities are generally seeking to protect themselves from underfunded efforts to install broadband facilities into public rights-of-way already stressed by a lack of maintenance dollars.

#### **F. Regulation of Wireless Facilities**

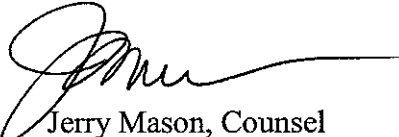
Existing FCC rules and provisions of the Idaho Local Land Use Planning Act have made siting of wireless towers and facilities a non-issue. Municipalities welcome the opportunity to contract with wireless providers to site antennae on municipal facilities and have long recognized that extension of wireless service into more rural parts of the state is an essential economic

development reality. Reports of activities associated with wireless facility siting indicate that the process has proceeded in an orderly and efficient manner for many years. Nothing here is broken such that it needs to be fixed.

### III. CONCLUSION

The Association of Idaho Cities thanks the Commission for its efforts to better understand the practices and policies surrounding cities' management of public rights of way. The Association welcomes consideration of its comments before further contemplation of any action that may adversely affect the rights of way authority of cities.

Respectfully submitted,  
Association of Idaho Cities

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